

HOUSE No. 175

The Commonwealth of Massachusetts

PRESENTED BY:

Byron Rushing

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act ensuring equal access to services for all residents of the Commonwealth.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Pam Richardson	6th Middlesex
Kay Khan	11th Middlesex
Tom Sannicandro	7th Middlesex
Louis L. Kafka	8th Norfolk
Martha M. Walz	8th Suffolk
Elizabeth A. Malia	11th Suffolk
Benjamin Swan	11th Hampden
Carl M. Sciortino, Jr.	34th Middlesex
Timothy J. Toomey, Jr.	26th Middlesex
Alice K. Wolf	25th Middlesex
Denise Provost	27th Middlesex
Ellen Story	3rd Hampshire
Sean Garballey	23rd Middlesex
Gloria L. Fox	7th Suffolk

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 133 OF 2007-2008.]

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT ENSURING EQUAL ACCESS TO SERVICES FOR ALL RESIDENTS OF THE COMMONWEALTH.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority
of the same, as follows:*

1 SECTION 1. Chapter 30 of the General Laws is hereby amended by adding
2 after section 64 the following new section: —

3 Section 65. (a) For the purposes of this section the following terms shall mean:

4 Program: any program, project or activity for the provision of services, financial aid, or other benefits to
5 individuals. This shall include, but not be limited to, education or training, employment, health, welfare,
6 rehabilitation, housing or other services, whether provided directly by the recipient of funds of the
7 commonwealth or provided by others through contracts or other arrangements with the recipient.

8 Recipient: any political subdivision of the commonwealth or instrumentality thereof, including quasi-
9 public commissions, or any public or private agency, institution or organization, or other entity, or any
10 individual, in any political subdivision of the commonwealth to whom funds of the commonwealth are
11 extended, either directly or through another recipient, for any program.

12 Recipient shall include any successor, assignee, or transferee thereof. It shall not include any ultimate
13 beneficiary under such program.

14 (b) It shall be the policy of the commonwealth to support and encourage any residents in their attempt to
15 obtain legal immigration status and, if they choose, citizenship. Nothing in this section shall prohibit an
16 agency or employee of the commonwealth or recipient of commonwealth funds from requesting
17 information or documentation regarding immigration status to the extent necessary to assist an individual
18 in resolving an immigration question when such assistance is part of a program's activities and is
19 consistent with this subsection.

20 (c)(1) No regulation, rule, or other requirement may be imposed by any agency or employee of the
21 commonwealth nor by a recipient of funds from the commonwealth which denies any assistance, benefit,
22 payment, service, or participation in any program or activity on the basis of alienage or immigration
23 status, except as required by federal or state statute, or court decision.

24 (c)(2) No agency or employee of the commonwealth nor any recipient of commonwealth funds shall
25 request information about, investigate, or assist in the investigation of the alienage or immigration status
26 of any person unless such inquiry or investigations required by federal or state statute, or court decision;
27 nor shall any such individual or entity disseminate information regarding the citizenship or residency
28 status of any person unless required to do so by federal or state statute, or court decision; nor shall any
29 such individual or entity condition the provision of any assistance, benefit, payment, service, or
30 participation in any program or activity on the basis of alienage or immigration status, unless required to
31 do so by federal or state statute, court decision, or except insofar as may be lawfully imposed on those
32 persons who are committed to the custody of the department of corrections.

33 (d) Nothing in this section shall prohibit an agency or employee of the commonwealth or a recipient of
34 commonwealth funds from requesting information or documentation regarding alienage or immigration
35 status to the extent necessary to secure federal reimbursement for a specific program.